

**CALENDAR ITEM  
C40**

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S 4

06/28/10  
WP 6807.2  
C. Hudson

**GENERAL LEASE – RIGHT OF WAY USE**

**APPLICANT:**

Timothy Grubb

**AREA, LAND TYPE, AND LOCATION:**

A 0.37 acre parcel, more or less, of State school land in a portion of Section 16, Township 36 North, Range 5 West, MDM, near Lakehead, Shasta County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing water storage tank and pipeline as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning July 1, 2007.

**CONSIDERATION:**

\$100 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance with coverage of no less than \$1,000,000

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the land adjacent to the lease premises.
2. On April 24, 2001, the Commission authorized a General Lease - Right of Way Use with The Jack W. and Hazel R. Grubb Family Living Trust dated January 24, 1996, Jack W. and Hazel R. Grubb, Settlers and Trustees. That lease expired on June 30, 2007. The littoral parcel has since been deeded to Timothy Grubb. The Applicant is now applying for a new General Lease – Right of Way Use.
3. The water storage tank and pipeline are used to transport water from a nearby spring to the Applicant's dwelling.

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4. Payments in the amount of \$100 for lease year 2007 and lease year 2008 have been made by the Applicant. Staff is recommending that the Commission consider accepting rent in the amount of \$100 for lease year 2009, due July 1, 2009, along with any penalty and interest that has accrued. Rent for lease year 2010 is due July 1, 2010.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).  
  
Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, Section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, Section 2905 (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code Sections 6370, et seq.

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**AUTHORIZATION:**

1. Authorize acceptance of rent in the amount of \$200 for lease year 2009, along with penalty and interest that has accrued and rent for lease year 2010 which is due July 1, 2010.
  
2. Authorize Issuance of a General Lease – Right of Way Use to Timothy Grubb beginning July 1, 2007, for a term of Ten years, for the continued use and maintenance of an existing water storage tank and pipeline as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$100 with the state reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance with coverage of no less than \$1,000,000